

**Press Release**  
**November 6, 2017**

**Eminent jurists, concerned citizens write to Justice Srikrishna seeking more balance  
and greater transparency in Data Protection Committee**

The Government of India has constituted a Committee of Experts to deliberate on a data protection framework for India. This committee is important because it will lead to a legislation which will lay the contours of privacy in India; building up from the historic judgment passed by a nine-member Constitution Bench of the Supreme Court of India. The privacy judgment, in fact, refers to this committee, whose work will have a bearing on the collection and use of data by commercial entities as well as for projects such as Aadhaar.

This committee is chaired by Hon'ble Justice Srikrishna, in whom there is complete faith and not a shred of doubt.

Other members, listed below, are potentially biased towards Aadhaar or against citizen privacy and there are probable professional conflicts of interest (information provided is only indicative and what exists in the public domain):

1. Smt. Aruna Sundararajan, Secretary, Department of Telecom: The DoT is currently pushing Aadhaar-mobile linkage and Smt. Aruna Sundararajan has stated that linking SIMs with Aadhaar [“is in your interest and my interest”](#)
2. Dr. Ajay Bhushan Pandey, CEO, UIDAI: Leading the Aadhaar project all over the country and who, even before the work of this committee is complete, has already stated that the [“Aadhaar Act will pass privacy test”](#).
3. Dr. Ajay Kumar, Addl Secretary, MeitY: who states that [“\[MeitY\] & Banks urge inking Bank account with Aadhaar”](#).
4. Prof. Rajat Moona, Director, IIT, Raipur: [has launched an Aadhaar tech product](#) and, many Aadhaar leaks notwithstanding, believes that [“UIDAI offer safe solutions”](#).
5. Dr. Gulshan Rai, National Cyber Security Coordinator: [“is the man more than any other in charge of various acts of blocking and censorship under the last regime”](#) and [“at a roundtable meeting ... \[where civil\] society and the technical community were conspicuous by their absence ... \[as\] civil society organisations were not invited and attempts to elicit an invitation from the DIT were spurned”](#).
6. Prof. Rishikesh T. Krishnan, Director, IIM, Indore: thinks that Aadhaar should be used to [“to start maintaining health records on the cloud”](#), which is highly sensitive personal data of a citizen.
7. Dr. Arghya Sengupta, Research Director, Vidhi Centre for Legal Policy:
  - a. Appeared for the state of Haryana and TRAI in the Right to Privacy case and argued against the Supreme Court recognising a fundamental right to privacy.

- b. Has “[represented the Unique Identification Authority of India in the Supreme Court](#)” (includes the Binoy Viswam Aadhaar-Pan Case).
  - c. Rohini Nilekani, spouse of Nandan Nilekani (former Chairperson UIDAI), is a patron of Vidhi Centre for Legal Policy who has [given them funding](#).
  - d. Vidhi Centre for Legal Policy is “[a New Delhi-based think tank that assisted the government of India in drafting the Aadhaar Act](#)” and its regulations.
  - e. Authored an article titled, “[Aadhaar project: Last chance for the welfare state](#)”.
8. Ms. Rama Vedashree, CEO, DSCI: who, despite several leaks of Aadhaar data, believes that “[the core of Aadhaar seems safe and secure](#)”.
9. Joint Secretary, MeitY: The ministry is “[promoting Aadhaar in a big way](#)”

Those troubled by the lack of diversity in points of view in the committee and its lack of transparency included eminent jurists, such as Justice A. P. Shah, who headed a similar committee in the past, and Prof. Upendra Baxi. Other concerned citizens include Gopalkrishna Gandhi and many petitioners in the Aadhaar related cases that will be heard by the Constitution Bench of the Supreme Court in the end of November 2017. Their plea to Justice Srikrishna sent on November 5, 2017 is attached with this mail.

This letter follows a letter by former civil servants to Prime Minister Modi with [critical concerns on Aadhaar](#).

As a first step towards greater transparency in the working of this committee, Rethink Aadhaar demands public release of the following:

1. All available information related to the formation of the expert committee.
2. The data protection bill drafted by MeitY that is being considered by this committee.
3. Composition of the working groups that have been formed.
4. Minutes of all the meetings and complete information relating to the formation of this committee.

We hope that this will be followed with a change in its composition and greater transparency.